

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELYCIA WASHINGTON and BRANDY
WILLIAMSON,

Defendants.

8:21CR6

ORDER

Defendants Brandy Williamson (“Williamson”) and Elycia Washington (“Washington”) have each moved to suppress (Filing Nos. 59 and 61, respectively) all evidence against them seized on or about October 21, 2020, by the Omaha Police Department pursuant to a search warrant. They also seek a hearing under *Franks v. Delaware*, 438 U.S. 154, 155-56 (1978). As Williamson and Washington see it, the seizure violated their rights under the Fourth Amendment to the United States Constitution because “the warrant was not based on probable cause and the officer submitted false information to” secure it.

After conferring with the parties and determining an evidentiary hearing was unnecessary given the nature of the allegations, the magistrate judge¹ issued a Findings and Recommendation (Filing No. 79) on June 25, 2021, recommending the Court deny the requested relief without a hearing. *See* 28 U.S.C. § 636(b)(1) (authorizing the Court to refer motions to suppress); *accord* Fed. R. Crim. P. 59(b)(1). Neither Williamson nor Washington has objected to the magistrate judge’s findings and recommendation, and the time to object has now passed.

Section 636(b)(1) requires the Court to “make a de novo review of . . . specified proposed findings or recommendations to which objection is made.” But absent an

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

objection, further review is unnecessary. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609, 619-20 (8th Cir. 2009) (“[T]he failure to file objections eliminates not only the need for de novo review, but *any* review by the district court.”); *see also* Fed. R. Crim. P. 59(b)(2) (explaining the failure to timely object waives the right to review); NECrimR 59.2(a), (e).

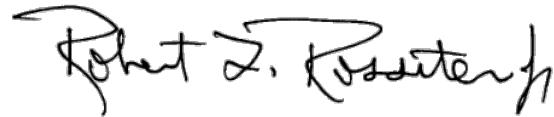
Because Williamson and Washington did not object to the magistrate judge’s findings and recommendation,

IT IS ORDERED:

1. The Findings and Recommendation (Filing No. 79) is accepted. Any objections are deemed waived.
2. Defendant Brandy Williamson’s Motion to Suppress (Filing No. 59) and request for a *Franks* hearing are denied.
3. Defendant Elycia Washington’s Motion to Suppress (Filing No. 61) and request for a *Franks* hearing are denied.

Dated this 12th day of July 2021.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge